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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,645	11/16/1999	AVERY FONG	5244-0109-2	3214
22850	7590	07/06/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PARTON, KEVIN S	
		ART UNIT	PAPER NUMBER	
		2153	20	
DATE MAILED: 07/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/440,645	FONG ET AL. 	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin Parton	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 19.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 04/09/2004 have been considered but are moot in view of the new ground(s) of rejection. Please note that the new grounds of rejection were necessitated by the applicant's amendments to the claims.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5, 7, 10, 11, 14, 16, 19, 20, 23, 25, 28, 29, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (USPN 6,643,696) in view of Middleton, III et al. (USPN 6,393,407).

4. Regarding claims 1, 10, 19, and 28 Davis et al. (USPN 6,643,696) teaches a system comprising:

- a. An interface of a target application in a device, the interface comprising a plurality of operations to be selected by a user (column 8, lines 51-54). Note that the interface is the web page.
- b. A monitoring unit configured to monitor data of selecting of the plurality of operations of the interface by the user, the monitored data being in a form of a map mapping key data in a key portion of the map to respective value data in a corresponding value data portion (column 8,

lines 51-59; column 9, lines 3-9; column 11, lines 49-51). Note that the use of a database for storage inherently requires mapping a key data to a value data for all data.

- c. A communicating unit configured to receive the monitored data, and to communicate the monitored data (column 9, lines 51-53).
- d. Wherein the monitoring unit and communicating unit reside in the device and wherein the monitoring unit is configured to generate the monitored data without any initial connection to a destination to receive the monitored data from the communicating unit (abstract; column 9, lines 16-20, 51-53). Note that the abstract points out that the tracking program may come from a different server and the specification points out that it may be loaded onto the client and require no download.

Although the system disclosed by Davis et al. (USPN 6,643,696) shows substantial features of the claimed invention, it fails to disclose specifically means for creating a log of the monitored information at the monitored device for later communication. The reference of Davis et al. (USPN 6,643,696) immediately sends information to a database as it is collected.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Davis et al. (USPN 6,643,696), as evidenced by Middleton, III et al. (USPN 6,393,407).

In an analogous art, Middleton, III et al. (USPN 6,393,407) discloses a system for monitoring user input to an interface with means for creating a log of the monitored

information at the monitored device for later communication (column 5, lines 2-4, 37-40, 46-53).

Given the teaching of Middleton, III et al. (USPN 6,393,407), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Davis et al. (USPN 6,643,696) by employing a local log of the monitored data that is subsequently communicated. This benefits the system by allowing the monitoring to continue and data to be stored even when the machine is not connected to the network, such as viewing a cached page.

5. Regarding claims 2, 11, 20, and 29, Davis et al. (USPN 6,643,696) teach all the limitations as applied to claims 1, 10, 19, and 28, respectively. They further teach means wherein the target application is a software application and the interface is a display screen of the software application (column 8, lines 51-54).

6. Regarding claims 5, 14, 23, and 32, although the system disclosed by Davis et al. (USPN 6,643,696) (as applied to claims 1, 10, 19, and 28, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the communicating unit sends the log of the monitored data when the user exits the target application.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Davis et al. (USPN 6,643,696), as evidenced by Middleton, III et al. (USPN 6,393,407).

In an analogous art, Middleton, III et al. (USPN 6,393,407) discloses a system for monitoring user input to an interface wherein the communicating unit sends the log of the monitored data when the user exits the target application (column 5, lines 47-53).

Given the teaching of Middleton, III et al. (USPN 6,393,407), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Davis et al. (USPN 6,643,696) by employing the sending of a log when a user exits a target application. This benefits the system by decreasing network traffic created by the monitoring program.

7. Regarding claims 7, 16, 25, and 34, Davis et al. (USPN 6,643,696) teach all the limitations as applied to claims 1, 10, 19, and 28, respectively. They further teach means wherein the key data and the value data in the map both contain string data (column 8, lines 54-59). Note that the information would include string data such as what is being selected.

8. Claims 8, 17, 26, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) as applied to claims 1, 10, 19, and 28 above, and further in view of Fujiyama et al. (USPN 6,336,141).

9. Regarding claims 8, 17, 26, and 35, Davis et al. (USPN 6,643,696) teach all the limitations as applied to claims 1, 10, 19, and 28, respectively. They further teach means wherein the value data portion includes vectors that contain string data (column 8, lines 50-59). Note that certain monitoring values would have multiple values for one session.

Although the system disclosed by Middleton, III et al. (USPN 6,393,407) shows substantial features of the claimed invention, it fails to disclose specifically that plural vectors are used wherein each vector contains an array of string data.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Middleton, III et al. (USPN 6,393,407), as evidenced by Fujiyama et al. (USPN 6,336,141).

In an analogous art, Fujiyama et al. (USPN 6,336,141) disclose a system for storing network element monitored data in a log. In the log, there are plural vectors each of which corresponds to an array of string data (figure 9; figure 12). Note that in the reference, each column of the log would be an array of string data with some null values.

Given the teaching of Fujiyama et al. (USPN 6,336,141), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Middleton, III et al. (USPN 6,393,407) by employing the use of plural vectors in the log (map structure) to store the data. This benefits the system by making the data easier to store and read. Note that any type of map structure that maps key data to their data types would work.

10. Claims 3, 6, 12, 15, 21, 24, 30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (USPN 6,643,696) and Middleton as applied to claims 1, 10, 19, and 28, respectively above, and further in view of Motoyama (USPN 5,887,216).

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11. Regarding claims 3, 4, 12, 13, 21, 22, and 30, and 31, Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) teach all of the limitations as applied to claims, 1, 10, 19, and 28, respectively.

Although the system disclosed by Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) shows substantial features of the claimed invention, it fails to disclose means wherein the target application is an image forming device and the interface is an operation panel of the image forming device.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407), as evidenced by Motoyama (USPN 5,887,216).

In an analogous art, Motoyama (USPN 5,887,216) discloses a system for communicating user configuration of an image forming device wherein the target application is an image forming device and the interface is an operation panel of the image forming device (figure 1; figure 5).

Given the teaching of Motoyama (USPN 5,887,216), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) by employing the concept of usage monitoring on the image forming device. Image forming devices are often located remotely from their manufacturers and maintenance contractors. By monitoring usage and errors, the contractors can more quickly and accurately diagnose and remedy problems with the machine benefiting the client and the contractor.

12. Regarding claims 4, 13, 22, and 31, Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) teach all of the limitations as applied to claims, 1, 10, 19, and 28, respectively.

Although the system disclosed by Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) shows substantial features of the claimed invention, it fails to disclose means wherein the target application is an appliance and the interface is an operation panel of the appliance.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407), as evidenced by Motoyama (USPN 5,887,216).

In an analogous art, Motoyama (USPN 5,887,216) discloses a system for communicating user configuration of an image-forming device wherein the target application is an appliance and the interface is an operation panel of the appliance. (figure 1; figure 5). Note that the term "appliance" is vague and is taken here to be any type of equipment with a user interface and a business or household application.

Given the teaching of Motoyama (USPN 5,887,216), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) by employing the concept of usage monitoring on the image forming device. Image forming devices are often located remotely from their manufacturers and maintenance contractors. By monitoring usage and errors, the contractors can more quickly and

accurately diagnose and remedy problems with the machine benefiting the client and the contractor.

13. Regarding claims 6, 15, 24, and 33, Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) teach all of the limitations as applied to claims, 1, 10, 19, and 28, respectively.

Although the system disclosed by Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) shows substantial features of the claimed invention, it fails to disclose means comprising a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating unit communicating the log of the monitored data.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407), as evidenced by Motoyama (USPN 5,887,216).

In an analogous art, Motoyama (USPN 5,887,216) discloses a system for communicating user configuration to a central server comprising a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating unit communicating the log of the monitored data (figure 12). Note that in the reference, analyzing the settings leads to communication with the server.

Given the teaching of Motoyama (USPN 5,887,216), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Davis et al. (USPN 6,643,696) and Middleton, III et al. (USPN 6,393,407) by

employing the use of a variable to note how many times an action occurs before sending data. This benefits the system because during slow use periods, wasted communications can be avoided to reduce traffic and processor load.

14. Claims 9, 18, 27, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (USPN 6,643,696), Middleton, III et al. (USPN 6,393,407), and Fujiyama et al. (USPN 6,336,141) as applied to claims 8, 17, 26, and 35 above, and further in view of Motoyama (USPN 5,887,216).

15. Regarding claims 9, 18, 27, and 36, Davis et al. (USPN 6,643,696), Middleton, III et al. (USPN 6,393,407), and Fujiyama et al. (USPN 6,336,141) teach all of the limitations as applied to claims 8, 17, 26, and 35, respectively.

Although the system disclosed by Davis et al. (USPN 6,643,696), Middleton, III et al. (USPN 6,393,407), and Fujiyama et al. (USPN 6,336,141) shows substantial features of the claimed invention, it fails to disclose means wherein the communicating unit communicates the log of the monitored data by Internet mail.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Davis et al. (USPN 6,643,696), Middleton, III et al. (USPN 6,393,407), and Fujiyama et al. (USPN 6,336,141), as evidenced by Motoyama (USPN 5,887,216).

In an analogous art, Motoyama (USPN 5,887,216) discloses a system for communicating user configuration to a central server comprising means wherein the communicating unit communicates the log of the monitored data by Internet mail (column 4, lines 39-42).

Given the teaching of Motoyama (USPN 5,887,216), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Davis et al. (USPN 6,643,696), Middleton, III et al. (USPN 6,393,407), and Fujiyama et al. (USPN 6,336,141) by employing the use of the Internet for communication back to the central server. This allows the system to be monitored by entities outside the operating network and for increased security in the transmission of the log files. The central server can reside at a contractor facility and allow for maintenance from that location rather than an on-site visit.

***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton  
Examiner  
Art Unit 2153

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